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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,946	10/16/2000	David Gillespie		3993

7590 08/22/2005  
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Five Hirsch Avenue  
PO Box 966  
Coram, NY 11727-0966

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/646,946	GILLESPIE ET AL.	
	Examiner	Art Unit	
	Cheryl Lewis	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-38, 41, 43, 45-48 and 60-63 is/are rejected.
- 7) ☒ Claim(s) 39, 40, 42, 44, 49-59 and 64 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **RESPONSE TO RCE**

1. This Office Action is in response to the applicant's communication received on May 18, 2005.
2. Claims 35-64 are presented for examination.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 18, 2005 has been entered.
4. Applicant's arguments with respect to claims 35-64 have been considered but are moot in view of the new grounds of rejection.

### ***Allowable Subject Matter***

5. Claims 39, 40, 42, 44, 49-59, and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

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application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by Watkins et al. (Pub. No. US 2001/0054042 A1 filed May 16, 1997, hereinafter Watkins).

7. Regarding Claim 35, Watkins teaches a computing system for information management.

The method and associated system for a computing system for information management as taught or suggested by Watkins includes:

An information store comprising a database and a messaging system (figure 1, elements 1, 2, and 6) for storing documents managed by a document collection and management software program (figure 1, elements 1, 2, and 6), means for storing documents in one or both of the database and messaging system (col. 1, paragraph 0028-0033) with stored documents being stored in the database or messaging system of the information store (col. 1, paragraph 0028-0033); document indexing of the database or messaging system of stored documents stored solely in the information store (col. 1, paragraph 0028-0033, col. 1, paragraphs 0046-0049); and processing the stored documents in either the database or messaging system (col. 1, paragraph 0028-0033, col. 1, paragraphs 0046-0049).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 35-38, 41, 43, 45-48, and 60-63 are rejected under 35

U.S.C. 103(a) as being unpatentable over Watkins et al. (Pub. No. US

2001/0054042 A1 filed May 16, 1997, hereinafter Watkins) as applied to claim 35 above, and further in view of Porter et al. (U.S. Pat. No. 5,845,067 filed 9/9/1996, hereinafter Porter).

10. Regarding Claim 36, However, Watkins does not expressly teach a dialog software find application program.

Porter teaches a dialog in a software find application program (figure 11A, element 1140 'Search').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the document management means of Watkins with the document management means of Porter because Porter's document management means enables a document profile system which profiles and provides identification to the types of documents that are accessed, indexed, and stored in the document management system.

11. Regarding Claim 37, Porter teaches a user interface accessible through a dialog (col. 2, lines 44-65, figures 5-11C).

12. Regarding Claim 38, Porter teaches messaging software (col. 3, lines 33-44, col. 5, lines 24-35).

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13. Regarding Claim 41, Porter teaches the means which essentially comprises the same means as the user using a check-out command (col. 6, lines 4-10).
14. Regarding Claim 43, Porter teaches searching a document management extension store (figure 11A, element 1140 'Search').
15. Regarding Claim 45, Porter teaches allowing viewing of object properties and setting (col. 2, lines 44-65, figures 5-11C) of permissions (col. 1, lines 25-67, col. 2, lines 1-2, col. 3, lines 9-28).
16. Regarding Claim 46, Porter teaches an open function for launching a software application or for opening a file (figure 11A).
17. Regarding Claim 47, Porter teaches having a check-out function (col. 6, lines 4-10).
18. Regarding Claim 48, Porter teaches context menu having a properties function capable of displaying a properties screen and for permitting viewing and editing of document properties (figures 5-11A).
19. Regarding Claims 60-63, Porter teaches a user of HTML records management forms (figure 6).

#### **NAME OF CONTACT**

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is

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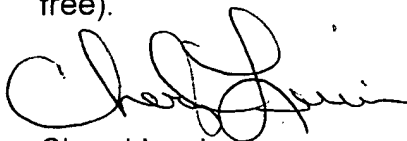
(703) 305-8750. The examiner can normally be reached on (571) 272-4113 from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Cheryl Lewis', is positioned above the printed name.

Cheryl Lewis  
Patent Examiner  
August 5, 2005